

Fish Creek and Gooseberry Creek

Technical Report Evaluating Application of Wild and Scenic Rivers Suitability Criteria

Purpose of this Report

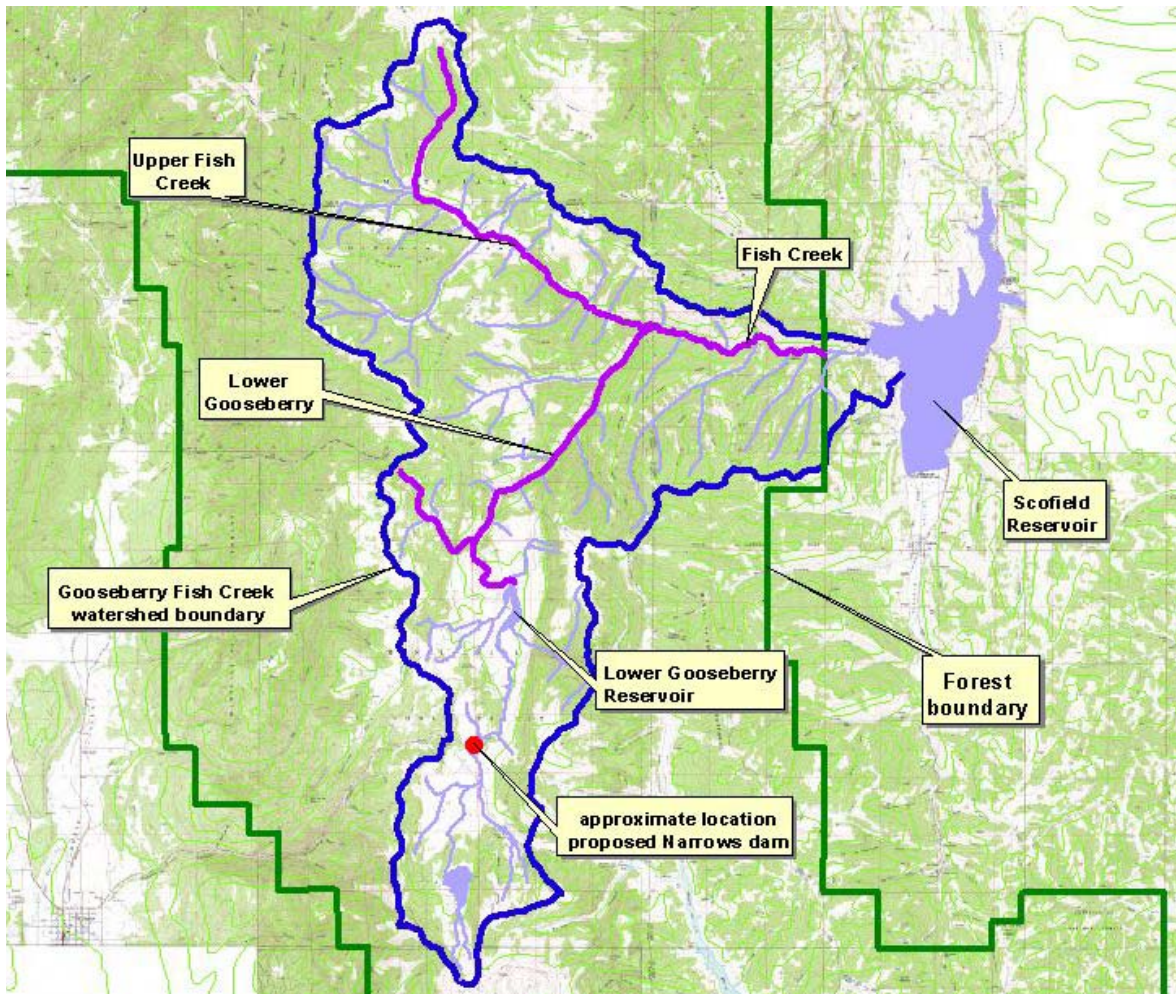
Under the Wild and Scenic Rivers Act, all Federal agencies are required to consider potential wild, scenic and recreational river areas during agency planning. 16 U.S.C. § 1276(d). The Forest Service fulfills this obligation by conducting studies of potential wild & scenic rivers in its land and resource management planning process under the National Forest Management Act, 16 U.S.C. § 1601. The purpose of this report is to document an evaluation of suitability factors for the Fish Creek and Gooseberry Creek segments that have been found eligible for further study as potential Wild and Scenic Rivers. This work is preparatory to making a report and decision whether to make a recommendation to Congress as part of the Manti-La Sal National Forest planning process scheduled during FY 2005-2007.

Background

In preparation for revision of the Manti-La Sal National Forest Plan, the Forest completed a Forest-wide eligibility study of all potentially eligible rivers in March of 2003. This report concluded that portions of Fish Creek and Gooseberry Creek met the criteria for eligibility for inclusion in the wild and scenic rivers system because of the Outstandingly Remarkable Value of riparian habitat for fifty-four avian species including the largest willow flycatcher population in the State.

The next phase in the WSR study process is to conduct a suitability analysis which considers whether the river is suitable for inclusion in the WSR system based on various criteria including competing land uses, need, social, economic and political interests. The final step in the study process will be to decide in the Record of Decision for the revised Manti-La Sal Land and Resource Management Plan whether to make a recommendation to Congress for inclusion of this segment in the WSR system. Only Congress may actually include rivers in the WSR system.

The eligible portion of Fish Creek includes both Fish Creek and Gooseberry Creek, a tributary to Fish Creek. For the remainder of this document, the stream segments will be referred to as follows: Lower Gooseberry – from Lower Gooseberry Reservoir downstream to the junction with Fish Creek; Upper Fish Creek – from the headwaters of Fish Creek down stream to the junction with Gooseberry Creek, and Fish Creek – from the junction with Gooseberry Creek downstream to the Forest boundary.



Eligibility Information:**Outstandingly Remarkable Value:**

- Wildlife – Largest Willow Flycatcher population in the State along with 54 species of birds and a variety and abundance of mammalian species.

Tentative WSR Classification:

- **Scenic.** Upper Fish Creek and Lower Gooseberry – 17.1 miles.
- **Recreation.** Fish Creek – 4.0 miles.

For information on the eligibility of Fish Creek and Gooseberry Creek, please see the Eligibility Report. Subjects discussed include the determination of free-flowing characteristic, outstandingly remarkable values and classification. Visit the website: <http://www.fs.fed.us/r4/mantilasal/projects/wildscenic>

General Information:**Location and Length:**

- The watercourses extend 21.1 miles from the headwaters along the east crest of the Wasatch Plateau to the Forest boundary
- 3.3 miles on National Forest System Lands – Utah County
- 10.4 miles on National Forest System Lands – Sanpete County
- 1.8 miles on Private land - Sanpete County
- 1.4 miles on BOR withdrawn land – Sanpete County
- 4.2 miles on National Forest System Lands – Carbon County

Mineral and Energy Resource Activities –

Coal: There is potential for recoverable coal to the east of the Gooseberry Fault and to the south of the Fish Creek Graben. Coal in the other areas is probably too deep to mine and is not accessible from adjacent areas due to the offset in the faults. Coal east and south of the fault zones, respectively, is being investigated for exploration to determine mineability. Potential coal reserves are adjacent to and beneath the river segments. Mining activity could be allowed in areas classified under scenic or recreational designations. Stipulations could be imposed as necessary to protect scenic qualities, wildlife, cultural resources and the watershed. There would likely be no adverse effect to the outstandingly remarkable wildlife value due to coal mining.

Natural Gas and Oil: Development potential in the area is considered to be high for natural gas and moderate for oil. Most of the area has been leased or is currently available for leasing. However, because much of the area under study was designated as Semi-Primitive Recreation (SPR) under the 1986 Forest Plan, the SPR area would carry a No Surface Occupancy (NSO) Stipulation with any lease. An NSO stipulation would mean that the area could not be occupied for drilling, but could be explored from adjacent areas using directional drilling methods. Limited areas in the SPR area with slopes less

than 35% along the canyon rim (where drilling would not be visible from the National Recreation Trail) are available for leasing, and could be occupied for exploration or production (limited to essential operations only). Visual impacts would be short-term and considered minimal. Portions outside the SPR designations would be available for lease without occupancy limitations and likely be visible from limited reaches of the river.

Locatable/Common Variety Mineral: Potential for locatable or common variety mineral material development is limited to the Flagstaff Limestone that forms the caps of high ridges/mesas along the western boundary of the area under study. The limestone could be used as either a common variety mineral (gravel, building stone) or a locatable mineral (Portland cement, metallurgical limestone, etc.) The likelihood for development is small. The Forest Plan would require any mitigation to ensure water quality.

Transportation, Facilities and Other Developments- National Forest System Road (NFSR) #50123 provides access to the lower end of Fish Creek. This road originates at Scofield Reservoir and provides access to Fish Creek Campground and the trailhead for the Fish Creek National Recreation Trail. The Fish Creek National Recreation Trail, a non-motorized trail, follows the river from Scofield to Skyline Drive approximately 10 miles. Skyline Drive, National Forest System Road #50150, runs the length of the Wasatch Plateau. A trailhead on Skyline Drive provides non-motorized access to the headwaters of Fish Creek. This general area has relatively few management uses, facilities and infrastructure. The exceptions are livestock use, range allotment boundary fences, and camping and trailhead facilities at the upper and lower end.

National Forest System Road # 50124 accesses Gooseberry Creek at Lower Gooseberry Reservoir. Remains of the Mammoth Dam are located on Gooseberry Creek below Lower Gooseberry Reservoir. When the dam failed in the early 1900's the stream channel was severely eroded and scoured. Remnants of the dam and evidence of the dam failure are still visible today. Downstream of Lower Gooseberry Reservoir, a utility corridor with two natural gas pipelines crosses Lower Gooseberry Creek. The corridor is cleared of trees and shrubs and is highly visible. There is an existing diversion structure on Cabin Hollow, a tributary to Lower Gooseberry Creek, which provides irrigation water for private land west of Lower Gooseberry Reservoir.

Recreation Activities – The Fish Creek National Recreation Trail parallels Fish Creek from the mouth of the creek near Scofield Reservoir to Skyline Drive, a distance of approximately 10 miles. The non-motorized trail is the main access into the 25,000-acre semi-primitive, unroaded area. Fishing in Fish Creek is closed until the second week of July due to spring spawning of cutthroat and rainbow trout. Once the creek is open to fishing, the fishing pressure is fairly heavy.

Next to fishing and hiking, much of the activity within the corridor and on the trail occurs during the fall hunting season. Bow hunting, black powder and the regular rifle hunts bring hunters on foot and horseback. Once snow accumulates sufficiently, snowmobiling

is a popular activity in the headwaters of Upper Fish Creek. In the lower portion of Fish Creek, cross-country skiing occurs.

Springtime brings bird watchers and wild flower enthusiasts to the Fish Creek area.

Other Resource Activities - The Gooseberry Creek and Fish Creek watershed has been available for multiple use since the earliest pioneers came into the area. Livestock and wildlife from this area were used to feed workers constructing the railroads and mines. Cattle, sheep and horses have grazed the lands. Currently, cattle graze outside of the area under study, upstream of the Lower Gooseberry segment while sheep graze throughout the area under study. There is a strong likelihood that coal, oil and gas reserves are located in the area which could be developed for extraction.

Special Designation – The Fish Creek National Recreation Trail follows Fish Creek from the trailhead near Scofield Reservoir to Skyline Drive. It is used and enjoyed by hikers, fishermen, hunters, and birdwatchers.

Socio-Economic Environment – Both Sanpete and Carbon Counties have populations under 30,000. They are dependent on water from the Wasatch Plateau for agriculture, and industrial and culinary uses. Potential growth is limited by available water.

SUITABILITY INFORMATION:

1. Characteristics that do or do not make the area a worthy addition to the national System.

Characteristics that make the area worthy addition to the national System

- Fish Creek contains the largest breeding population of Willow Flycatchers known in the state. The area has been described as an “outstanding example of good riparian management” (1998 Southwestern Willow Flycatchers Surveys on U.S. Forest Service Lands in Utah). Riparian habitats in good condition are rare in Utah and currently occupy less than one tenth of 1 percent of the state’s land cover.
- 54 species of birds have been observed in the Fish Creek drainage during breeding season.
- Fish Creek also contains numerous mammalian species including beaver, black bear, mule deer, and elk. The variety of vegetation, remoteness and large size of the Fish Creek area provides excellent habitat for elk parturition and rearing.

Characteristics that do not make the area worthy addition to the national System

- Values such as geologic/hydrologic, historic, cultural and scenic rated low in the eligibility evaluation.

2. The current status of land ownership and use in the area.

The eligible portion of Fish Creek lies within the boundaries of Utah, Sanpete and Carbon Counties. 1.4 miles are within withdrawn lands currently under the jurisdiction of the Bureau of Reclamation. 1.8 miles are privately owned. The remaining 17.9 miles are located on National Forest System Lands.

In 1941, the Secretary of Interior withdrew 6180 acres of Federal Lands (National Forest System Lands) for reclamation purposes. 5640 acres of that withdrawal are in the Gooseberry Creek watershed. These acres are associated with the proposed Narrows project, an irrigation reservoir sponsored by the Sanpete Water Conservancy District. The Bureau of Reclamation (BOR) has the authority to develop the land for reclamation purposes. The withdrawal allows the Forest Service to manage the lands for National Forest purposes until the BOR is ready to proceed as long as the Forest Service does not allow any activity that will preclude the purposes for the withdrawal. Land withdrawn for reclamation purposes that is no longer needed for such purposes would be relinquished back to the Forest Service for management. However, the Bureau of Reclamation would continue to be in control of roads, tunnels, etc., associated with the purpose of the withdrawal. Once facilities are built, the BOR could give the Sanpete Water Conservancy District authority to manage the facilities, and when the loan is repaid, BOR could give the Sanpete Water Conservancy District an easement for the facilities.

All of the waters flowing from Fish Creek and Gooseberry Creek are allocated to downstream uses in Sanpete and Carbon Counties. On normal or even higher than normal years of precipitation, the water in Fish Creek and Gooseberry Creek is over appropriated.

Under the 1986 Forest Plan, for the most part, the Forest manages the land surrounding the eligible segments with emphasis on semi-primitive recreation use. Most areas are closed to motorized vehicles. However, hiking, fishing, horseback riding, hunting, cross country skiing, other day use activities, and over night camping occur along with other multiple uses such as grazing and mining.

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

Designation of Fish Creek and Gooseberry Creek into the Wild and Scenic Rivers System would have little or no effect on current activities within the river corridor.

- Designation would foreclose the following types of activities in or adjacent to the river corridor: new impoundments, motorized trails, and the construction of facilities not directly related to corridor management.
- Designation might enhance riparian area management.

- Designation might necessitate modifications in the type or design of vegetation treatments in both the river corridor and adjacent lands.
- Designation might limit natural gas or oil development in areas that could be viewed from the corridor

Most activities currently emphasized and allowed under the current Forest Plan are compatible with either a scenic or recreational classification. Therefore, little change to actual management could be expected given designation. The following excerpt is from the 1986 Land and Resource Management Plan for the Manti-La Sal National Forest Chapter III page 55, which specifies that Fish Creek be managed with emphasis on semi-primitive recreation use:

Management emphasis is for providing semi-primitive motorized and nonmotorized recreation opportunities. Recreation opportunities such as hiking, horseback riding, hunting, cross-country skiing, vehicular travel etc., are pre available. Some units (Fish Creek), or areas within units may be closed seasonally or permanently to motorized use. Seasonal or permanent restrictions on human use may be applied to provide for the protection of the physical, biological, or social resources.

Investments in compatible resource uses such as timber harvest, livestock grazing, wildlife habitat, mineral exploration and development, special uses, etc., may occur as long as they meet the planned VQO and maintain a high quality semi-primitive recreation opportunity. When the approved activity ceases, roads, structures, and appurtenances will be rehabilitated as closely as possible to reflect the previous, undisturbed condition.

Compared to the Forest Plan language above, the following wording from the Interagency Wild and Scenic Rivers Coordinating Council Questions & Answers shows that activities allowed under a scenic or recreational classification are very similar to that direction in the Forest Plan.

Federal lands within the boundaries of river areas designated and classified as **scenic** or **recreational** are not withdrawn under the Act from the mining and mineral leasing laws.

Existing valid claims or leases within the river boundary remain in effect, and activities may be allowed subject to regulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment. Reasonable access to mining claims and mineral leases will be permitted. For rivers designated **scenic** or **recreational** filing of new mining claims or mineral leases is allowed but is subject to reasonable access and regulations that minimize surface disturbance, water sedimentation, pollution and visual impairment.

Harvesting practices on federal lands located within WSR corridors must be designed to help achieve land management objectives consistent with the protection and enhancement of the values which caused the river to be added to the National System. WSR designation is not likely to significantly affect timber harvesting or logging practices beyond existing limitations to protect riparian zones and wetlands which are guided by other legal mandates and planning direction. Federal timber management activities outside the corridor will be designed to not adversely affect values which caused the river to be designated.

Generally, existing agricultural practices (e.g., livestock grazing activities) and related structures would not be affected by designation. Guidelines issued by the Secretary of

Agriculture and the Secretary of Interior indicate that livestock grazing and agricultural practices should be similar in nature and intensity to those present in the area at the time of designation to maintain the values for which the river was designated. (Interagency Wild and Scenic Rivers Coordinating Council Questions & Answers)

Canyon Fuel Company, LCC has an interest in coal exploration and potential coal reserves adjacent to the proposed segment. If Gooseberry Creek and Fish Creek were classified as **recreational** and **scenic**, designation would not impact their opportunity for coal extraction. Stipulations would be imposed that protect the creeks and the outstandingly remarkable wildlife value.

There would be no effect on the current range allotments within the area.

There would be minimal limitations on oil and gas exploration since the river corridor is narrow and directional drilling would likely be able to take place.

There would be no effect on timber management, as it would continue to be managed to maintain scenic qualities and wildlife objectives.

Recreation management would be managed as it is in the current Forest plan. There would be no developed recreation allowed in the tentatively classified **scenic** portions of the river corridor.

4. The federal agency that will administer the area, should it be added to the System.

The USDA Forest Service, Manti-La Sal National Forest would be the most likely managing agency responsible for the overall administration of any Wild and Scenic river designated segments because they currently manage the majority of federal land surrounding the eligible segments. Another possible agency to administer the area could be the Bureau of Reclamation as 1.4 miles of the river segment flows through lands withdrawn from the Forest Service and under the jurisdiction of the Bureau of Reclamation.

5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by State and local agencies.

The increased administration and associated cost of managing the river segment would be the responsibility of the Manti-La Sal National Forest. Forest Service funds are projected to decline over the course of the next planning period.

Representatives of Sanpete County, Carbon County, and the State of Utah do not support a Wild and Scenic River designation. As such, none of these entities are likely to share in the administrative costs associated with managing a river designated under the Wild and Scenic River Act.

6. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

Define River Corridor: As a minimum, the river corridor would extend for the length of the river segments and one quarter mile in width from each bank of the river. That is, the corridor would run approximately 21.1 miles in length, by ½ mile wide. The corridor would include adjacent areas such as the confluence area of a tributary stream. A land survey of the entire length Lower Gooseberry, Upper Fish Creek and Fish Creek would cost approximately \$90,712. Total length of the watercourses: 21.1 miles.

Cost of Land: There are 563 acres of nonfederal lands owned by 1 party. The Forest may be interested in acquiring selected parcels close to the Gooseberry and Fish Creek junction through purchase or easements to protect and enhance the river corridor. Private land within this area is currently zoned WS (Watershed) and would sell “as is” between \$1500 and \$3000 an acre. Final costs cannot be determined at this time.

Developing A Management Plan: Because of the complexity of the area and the resource issues, developing a management plan for these stream segments could take 4-6 months. Reconnaissance, evaluation, and development of management would require time from specialists in soils, hydrology, recreation, wildlife, botany, watershed and range. Regional specialists would likely be called upon to review and approve a management plan for this area. The cost of writing, reviewing and approving a plan could be as much as \$90,000. Printing costs are estimated at approximately \$400.

Development of Lands and Facilities: The land surrounding the eligible segments is an unroaded, natural area. There is a ½ mile long road into the lower drainage. At its terminus are a small campground and the lower trailhead for the National Recreation Trail. There is a trailhead at the upper end of the trail. There are no other facilities in the river corridor.

The trailhead parking at the lower end is currently in need of expansion to handle increased use. Cost of expansion of the parking area is estimated at \$5,500. There are 5 picnic tables at this trailhead/campground. The 6-foot tables are in poor repair and need replacement. Picnic tables need to be replaced about every 6-8 years. The cost of replacement of the tables is approximately \$4,250.

The annual cost of trail maintenance is \$4,000. No additional facilities are planned at this time.

User Capacities: No formal study on use or capacity for recreation or hunting purposes has been made. The cost to complete such a study would be approximately \$8,000.

Land Survey: The cost of surveying the private lands adjacent to the river corridor would be approximately \$60,000.

Monitoring management data: Proper management of these river segments would require periodic visits to the area, especially during the summer season. River corridor monitoring functions would include the inspection of signs, trail condition, and noxious weed monitoring. Additional activities might include riparian and aquatic habitat studies and monitoring of invasive species. Other area management functions would include the maintenance of signs and some trail maintenance.

The experience level required for these functions could range from a GS-4 technician to journey level specialists. The incremental additional costs would be approximately \$12,500

Resource Protection: Current management of the area is classified as an unroaded, natural area. There are no lawful opportunities for motorized vehicles within the river corridor and surrounding portions of the watershed. Additional patrol and law enforcement protection would cost approximately \$8,079 annually. Additional signing is approximately \$2,000 annually.

Enhancement projects: Control of invasive plants, \$3,000/yr.

Reporting to Congress on WSR: An annual report to Congress would take an individual 5 days to highlight the use and the management activity associated with the new designation. Estimated cost: \$1,500

First year start up costs: approximately \$258,862 (does not include any land acquisition costs.

Additional Annual Operating Costs: approximately \$31,079

7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The Forest has received letters from the Governor's Office of Planning and Budget, two State legislators, the Congressional delegate from the US House of Representatives in whose district most of the river segments are located, and both US Senators opposing the inclusion of Fish Creek and Gooseberry Creek to the Wild and Scenic River System. It is highly unlikely that any support for preservation and administration of the river would be given, should these segments be designated.

8. State/local government's ability to manage and protect the outstandingly remarkable value on non-federal lands.

The State and County governments have no desire, nor do they currently have the authority or ability to protect the outstandingly remarkable wildlife value on non-federal

lands. It is highly unlikely that either the State or Counties would pass legislation or zoning ordinances that would protect the outstandingly remarkable wildlife value on non-federal lands.

9. The consistency of designation with other agency plans, programs or policies.

The Bureau of Reclamation has been preparing a Supplemental Draft Environmental Impact Statement that proposes the building of a dam and water diversion to Sanpete County. A designation under the Wild and Scenic Rivers Act may be contrary to the purpose of the proposed action and the withdrawal.

Sanpete and Carbon County planning documents do not support the designation of Wild and Scenic Rivers for these segments.

Designation would, however, be consistent with some of the goals and plans of the Utah Department of Wildlife Resources, specifically those protecting native avian populations and quality fisheries and, enhancing habitat for large mammals.

10. Support or opposition to designation.

The Governor's Office of Planning and Budget, Commissioners from Sanpete and Carbon Counties, two State Legislators, Congressman Cannon, and Senators Bennett and Hatch are in opposition to the designation of these river segments under the Wild and Scenic Rivers Act. The Forest received no letters of support for designation from State or local agencies. Local county government leaders are especially adamant in their strong opposition to a Wild and Scenic designation. Numerous residents, water users and businessmen have called, sent e-mails, and written letters of protest over potential designation.

While many of these state and local agencies and individuals may support some continued maintenance of the aquatic and riparian systems, none agree with protecting this area by designation under the Wild and Scenic Rivers Act. Many of these people enjoy and cherish the Fish Creek and Gooseberry Creek areas and want to see the general systems maintained. They would prefer to see maintenance assumed under authorities that are more flexible to changing needs than can be afforded from designation.

Senator Robert F. Bennett wrote two letters with identical verbiage both dated August 25, 2004. One letter referenced Carbon County and the other Sanpete County.

The concerns raised by ... County include questions about the significance of the segments under consideration, whether the segments meet the standards of continually flowing water, questions over water rights and the availability of existing management options which could be employed to protect the river's values without being designated as Wild and Scenic. It is important to note, that the county depends heavily on natural resources to sustain its local economy and even the smallest change by a federal land management agency can have negative impacts.

According to Senator Orrin Hatch,

The Federal Government does not have a water right that would ensure that these two river segments would remain free of impoundment as required by the law.

As you well know, water resources are vital to the economic viability of any area. This fact is especially germane to Sanpete County which has labored long and hard to obtain access to their adjudicated water rights. A finding of suitability for these two river segments would simply complicate the process which will inevitably end, due to the lack of the necessary water right, in their being not suitable for designation under the Wild and Scenic River Act. (August 12, 2004)

Congressman Chris Cannon wrote,

I oppose any portion of Fish Creek or Gooseberry Creek being designated 'Wild and Scenic.'

While the idea of preserving certain rivers, streams, etc., is surely praiseworthy, the scales of common sense ultimately have to balance. In this particular case, whatever benefits may result from designating Gooseberry or Fish Creeks as "Wild and Scenic" do not justify the likelihood that such a designation could deprive citizens, farmers, and businesses of the water which will become available from the Narrows project.

By far the most compelling reason not to designate, however, is the critical need for water in Sanpete County, and the unfulfilled commitments that have been made for many years regarding completion of The Narrows. (July 2, 2004)

In a letter dated August 24, 2004, from the Governor's Office of Planning and Budget it states,

A review of the information contained in the DRAFT Fish Creek (Including Gooseberry Creek) Preliminary Suitability Factor Analysis, causes the State to conclude that the identified segments of Fish Creek and Gooseberry Creek do not meet the suitability standard of the Wild and Scenic Rivers Act, even if its concerns about eligibility of the creeks are set aside. ...The state believes that the draft accurately and clearly illustrates that application of the Wild and Scenic Rivers Act to Fish Creek and Gooseberry Creek would create serious conflicts with existing priority water rights, a Bureau of Reclamation water development withdrawal which has existed for more than seventy years, and the economic and social needs of several counties and therefore, the citizens of the State of Utah.

The Sanpete County Commissioners wrote,

...that this river segment does not qualify as a wild & scenic river under the Wild and Scenic Rivers Act. The Wild & Scenic Rivers Act mandates that a river have two basic features to qualify as a wild and scenic river: first, the river must be free flowing, and second, the river must possess one of several outstandingly remarkable values ("ORVS"). We believe that Fish Creek does not meet either standard for this designation.

The very fact that Forest Service has declared Fish Creek as eligible has significantly impacted Sanpete Water Conservancy District's efforts in pressing forward with the

Gooseberry Narrows project. The Narrows Project will alleviate many of the adverse effects that drought has brought to our County. The Narrows Project will finally allow Sanpete County to fully exercise its water right. The Narrows Project will provide another economic/recreational fishing and camping experience in our County.

It doesn't meet the suitability criteria for being maintained as a Wild & Scenic river because it has already been identified as a contributing tributary to the Gooseberry Narrows Project providing a much needed storage of water for our residents use and providing the water supply needed for the future growth needs of our municipalities. The Forest must determine Fish Creek not suitable for protection under the Wild and Scenic Rivers Act because the best use of the Fish Creek segment watershed is for water resources development, in other words, the Gooseberry Narrows Project. (July 5, 2004)

The Carbon County Commissioners wrote,

In reviewing the described characteristics and comparing these values to the existing National System now in place, we can find nothing that would make this stream nationally significant. The current landownership is U.S. Forest Service and the present use is Semi-Primitive Recreation, grazing, fish and wildlife habitat. The reasonable foreseeable potential uses of land and water would be the same as they are now. The water on Upper Fish Creek is over-appropriated, as is most water in this State. Inclusion in the national system could cause foreclosure or curtailment of existing uses and hinder or stop management objectives. This would not be consistent with Carbon County's goals and objectives.

Upper Fish Creek drainage contributes to a major portion of the water in Scofield Reservoir, which is the only water storage facility in western Carbon County. Over 90% of our residents depend on Scofield for their water needs. Virtually all of the agricultural and industrial needs for water in Carbon County are provided by this reservoir. The present and future development needs will best be satisfied in management of the entire drainage as a water shed. A water shed management plan would allow the drainage to continue to produce the amount of water that it does presently. Additionally, sound timber management practices and vegetative manipulation can increase the watershed potential long-term. (August 5, 2004)

On the other hand, the Utah Rivers Council, Trout Unlimited, Red Rock Forests, The Wilderness Society, The Southern Utah Wilderness Alliance, The Grand Canyon Trust and The Three Forest Coalition support the designation.

The Utah Rivers Council wrote,

Carbon and Sanpete counties stand to gain jobs, tax revenue, and income from Wild and Scenic status. ...

...Designating Fish and Gooseberry Creeks as Wild and Scenic would provide a side benefit to Carbon County – source water protection for their only drinking water supply, Scofield Reservoir. By protecting the Creeks and associated corridor land from future development, the County can ensure that their water supply remains clean and healthy.... (July 15, 2004)

Responding to suitability of Fish Creek and Gooseberry Creek, Huntington Creek, and Lower Left Fork of Huntington Creek, Trout Unlimited wrote,

The three creeks currently under suitability review for Wild and Scenic River designation are among the most highly-valued trout fisheries in Utah and, accordingly, are of great interest to TU. All hold healthy populations of trout, exhibit tremendous natural beauty, provide myriad recreational opportunities, support terrestrial wildlife populations, and attract anglers and others from throughout the West....Because of their recreational and scenic value, they contribute significantly to local and regional economies. These streams merit Forest Service care and protection.

Issues associated with Fish Creek and Lower Gooseberry Creek require particular attention....These segments are home to regionally-significant populations of wildlife. They provide increasingly rare opportunities for fishing in primitive areas with few roads and no impoundments. Their scenic values cannot be questioned. These stretches of stream are also critical to the health of Scofield Reservoir, which is one of the three most important flatwater fisheries in Utah and contributes millions to the regional economy. The reservoir often is on the verge of becoming eutrophic. Any reduction in flow into the reservoir could accelerate that process, resulting in a fish kill and significant economic harm. Fish Creek and Lower Gooseberry Creek are critical spawning areas for the cutthroat trout in Scofield Reservoir. Without consistent spring flows, spawning activity will be in jeopardy, again at significant economic and social cost. (July 7, 2004)

In a joint letter, Red Rock Forests, The Wilderness Society, The Southern Utah Wilderness Society and the Grand Canyon Trust wrote,

Until some rivers or watercourses on the Manti-La Sal NF are designated under the Wild & Scenic Rivers Act, all of them remain remarkable examples of unprotected rivers of regional and statewide importance....

Fish Creek and Lower Gooseberry Creek is important habitat for most game animals in Utah, including those on the M-LS NF MIS list. The area is valuable habitat for Williamson's sapsucker, dwarf shrew, Utah milk snake, Utah mountain king snake, western boreal toad, northern goshawk, and many migratory bird species.

Fish Creek is a prime fishery and is known as a fly-fishing destination in Utah.

Fish Creek contributes a large portion of the water for Schofield Reservoir, the Price water supply. The area should be kept as primitive as possible to protect the water quality entering Schofield Reservoir. (July 15, 2004)

11. Contribution to river system or basin integrity.

Gooseberry Creek is located high in the Price River drainage. It is a tributary of Fish Creek, which flows directly into Scofield Reservoir. Seventy-one percent of the water entering Scofield Reservoir comes from Fish Creek. The Price River, which flows out of Scofield Reservoir, is a tributary of the Green River, which is a tributary of the Colorado River.

The eligible segments of Fish and Gooseberry Creeks and the land surrounding them have minimal development and relatively unfragmented aquatic, riparian, and upland

habitats. Fish Creek has been recognized for its unique riparian habitat and good condition. Fish Creek contains the largest breeding population of willow flycatchers known in the state. The area has been described as an “outstanding example of good riparian management” (1998 Southwestern Willow Flycatchers Surveys on U.S. Forest Service Lands in Utah). Willow flycatchers breed in shrubby or woodland habitats, usually adjacent to, or near, surface water or saturated soils. Willow flycatchers can be found from the inlet into Scofield Reservoir to the confluence with Gooseberry Creek. Fish Creek contains extensive tracts of willow-dominated habitat that is at least 100 m wide and more than 500 m long (Banding and Genetic Sampling of Willow Flycatchers in Utah: 1997 and 1998), making it ideal habitat for willow flycatchers and other birds. Fifty-four species of birds have been observed in Fish Creek during the breeding season. Ideal habitat in good condition is rare in the Upper Price River subwatershed, in the larger Price River watershed, and in the ecoregion.

Fish Creek also contains numerous mammalian species including beavers, moose, mink, muskrat, foxes, bobcat, snowshoe hare, black bear, mule deer, and elk. The variety of vegetation, remoteness and large size of the Fish Creek area provides excellent habitat for elk calving and rearing. Other species such as the Utah milk snake, northern goshawk, and Williamson’s sapsucker may be found there.

In addition to the outstandingly remarkable wildlife value, the Fish Creek area also provides increasingly rare opportunities for fishing in semi-primitive areas containing few roads and impoundments. These stretches of streams are important to the health of Scofield Reservoir, which is considered one of the three most important flatwater fisheries in Utah. Fish Creek and Gooseberry Creek are also critical spawning areas for the cutthroat trout in Scofield Reservoir.

The Fish Creek area provides an environment for the recreationalist that is unroaded and rather pristine. It provides an area for hunting, backpacking, day hiking, berry gathering, fishing, bird watching, horseback riding and other kinds of activities that one can enjoy solitude and quiet. There are few areas in the northern portion of the Manti-La Sal National Forest where one can enjoy these pursuits without an ATV or other motorized vehicle’s sounds.

12. Potential for water resource development.

In 1941 the Secretary of Interior used a first form withdrawal of National Forest System lands in the headwaters of Gooseberry Creek and some adjacent areas. First form withdrawals were made specifically for development projects such as dams. In this case, the withdrawal specifically states that it was made for the Gooseberry (Narrows) Project. The U.S. Bureau of Reclamation, U.S.D.A. Natural Resources and Conservation Service, Utah Division of Water Resources, Utah Division of Water Rights, and the Sanpete Water Conservancy District have performed extensive studies in the watershed. These studies provide the basis for the current Narrows Project plan and show there is significant potential for water resources development in the Fish Creek watershed. The

estimated annual water yield above the proposed Narrows project dam is approximately 8900 acre-feet. Of that, approximately 5400 acre-feet are allocated to the Sanpete Water Conservancy District for the Narrows Project.

Current flows through Gooseberry Creek to Fish Creek may be altered if the Narrows Project is completed. A stipulation signed July 13, 1989, by United States Justice Department and the Sanpete Water Conservancy District subordinated all Federal water rights to the Sanpete Water Conservancy District's rights needed to implement the Narrows Project. The stipulation requires the maintenance of a minimum flow downstream of the proposed dam. Analysis by the Forest Service indicates that the proposed operations scenario for the Narrows Project may not provide a regime of high flows necessary to maintain the outstandingly remarkable value associated with the Lower Gooseberry and Fish Creek segments. Without mitigation, the changed frequency and duration of flows may eventually have an adverse effect on the riparian habitat in Lower Gooseberry and Fish Creek, which supports the outstandingly remarkable wildlife value. The Narrows Project would not affect Upper Fish Creek.

Should the Narrows Project not be completed, the water allocated to the Sanpete Water Conservancy District would likely be diverted to the Sanpete Valley by other means. At this time, no alternatives have been developed for this scenario. Therefore, it is impossible to predict the possible effects on the eligible segments of Gooseberry and Fish Creeks.

13. Contribution to other regional objectives/needs.

Water for growth, development, and energy production are overriding concerns of the counties that would potentially be affected by a Wild and Scenic River designation.

The Sevier River Basin Plan (1999), which covers Sanpete County, identifies the Narrows Project as the only possibility for additional water from outside the basin to meet current and future water needs. The Plan conflicts with the intent of a Wild and Scenic River designation that does not allow dams.

The West Colorado River Basin Plan (2000), which covers Carbon County, does not include any historic or current reservoir proposals that would include the eligible river segments.

The area under study is one of 55 bird habitat conservation areas identified in the Draft Coordinated Implementation Plan for Bird Conservation in Utah. The riparian habitat is locally and regionally important because of its high quality and diversity, which provides a rich environment for a variety of regionally important wildlife species and many other birds, fishes, and mammals. The area also provides transitory habitat for bald eagles

Designation could add additional emphasis to riparian area management.

SUMMARY and CONCLUSIONS of THE TECHNICAL REPORT

The high mountain plateaus, including the Gooseberry Creek and Fish Creek area, are the primary source of municipal and industrial water for communities adjacent to the Manti-La Sal National Forest. They are also home to unique forested and riparian environments that provide both shelter and habitat to a variety of wildlife species as well as abundant recreational opportunities for local, regional, and national Forest visitors. The riparian area and associated avian habitat is regionally important in its extent, diversity, and excellent condition.

Designation is contentious. There is no support from state and local government representatives or from the majority of national congressional delegates for inclusion of these segments in the Wild and Scenic River System. Also, most input received from individuals did not support inclusion of these segments. In contrast, there are several interest groups who represent individuals who live in the local and regional areas as well as those across the country that support the inclusion of these segments.

Water is so important that the ability to manipulate surroundings for water production and transport dramatically affects the economies of both counties as well as the quality of life experienced by citizens. Over seventy years ago, Sanpete County recognized the need to secure water rights and develop additional means to store and transport water into the valley for both agricultural and municipal uses. Water availability affects growth. With pressure from population migration from the Wasatch Front, Sanpete County representatives believe it is critical that allocated water is transported to them. A Wild and Scenic River designation may interfere with efforts to secure funding and implement projects that would benefit Sanpete County.

Carbon County's primary source of water is Fish Creek. In recent years, the drought has placed a major strain on water supplies for municipal and industrial use by the County and by power companies. Carbon County feels that it is important to maintain the quality and quantity of water flowing into Scofield Reservoir, and that access to manipulate vegetation or improve facilities is vital. Their primary interest is continuing with the current Forest management direction that protects the Fish Creek watershed but allows access and vegetation manipulation. Carbon County representatives believe that designation as a Wild and Scenic River may limit those options.

Summary of Thirteen Suitability Criteria		
Criteria	Leading to Suitability	Not leading to Suitability
1. Characteristics that do or do not make the area a worthy addition to the national system.	Very high wildlife values, especially rare and unique Willow Flycatcher habitat.	Other values ranked low to moderate.

Summary of Thirteen Suitability Criteria		
Criteria	Leading to Suitability	Not leading to Suitability
2. The current status of land ownership and use in the area.	Mainly on federal land.	BOR withdrawal upstream of segment may adversely affect water flow supporting ORV. Private land with moderate to high development potential is located in close proximity to riparian area.
3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.	Designation might enhance riparian area management.	Designation would foreclose new impoundments, motorized trails, and the construction of facilities not directly related to corridor management. Designation might necessitate modifications in the type or design of vegetation treatments in both the river corridor and adjacent lands. Designation might limit natural gas or oil development in areas that could be viewed from the corridor.
4. The federal agency that will administer the area, should it be added to the system.	Forest Service already manages the land.	Lack of funding may limit potential management options.
5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by State and local agencies.		Lack of interest by the State and other agencies, and local governments to participate in administration costs.

Summary of Thirteen Suitability Criteria		
Criteria	Leading to Suitability	Not leading to Suitability
6. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.		<p>There are nonfederal lands in the river corridor.</p> <p>The Forest may be interested in acquiring selected parcels close to the Gooseberry and Fish Creek junction to protect and enhance the river corridor.</p> <p>Land is selling “as is” between \$1500 and \$3000 an acre.</p> <p>Specific acquisition needs and total costs cannot be determined at this time.</p> <p>Additional costs to implement the Wild and Scenic River designation and yearly maintenance costs would tax and already limited budget.</p>
7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.		Lack of interest by the State and local governments to participate.
8. State/local government’s ability to manage and protect the outstandingly remarkable values on non-federal lands.		Lack of desire to protect values on non-federal lands.
9. The consistency of designation with other agency plans, programs, or policies.	Compatible with Utah Division of Wildlife Resources goals.	Designation may conflict with BOR project plans. Sanpete and Carbon County planning documents do not support designation.

Summary of Thirteen Suitability Criteria		
Criteria	Leading to Suitability	Not leading to Suitability
10. Support or opposition to designation.	Environmental groups support designation.	Most of the Utah congressional delegation, several state legislators, and affected county commissioners have expressed opposition to the designation. Local constituents, especially those from Sanpete County are opposed to designation.
11. Contribution to river system or basin integrity.	Preserves a unique riparian habitat important to avian species. Provides rare opportunity for fishing in semi-primitive areas with few roads.	Current management is protecting the riparian habitat.
12. Potential for water resource development.		Could adversely affect current and future BOR projects. Current and future BOR projects could alter ORV.
13. Contribution to other regional objectives/needs.	Helps conserve avian species.	Could constrain water development desires of local communities.

The majority of factors suggest the segments are not suitable. A report and recommendation to Congress will be made at the time of Forest Plan Revision.

Alice Carlton

Date:

9/30/04

Alice Carlton
Forest Supervisor

